

§ 1101.6 Criteria for closing meetings.

Except in a case where the Board finds that the public interest requires otherwise, the second sentence of § 1101.3(a) shall not apply to any portion of a meeting and such portion may be closed to the public, and the requirements of §§ 1101.4 and 1101.5 (a), (b), and (c) shall not apply to any information pertaining to such meeting otherwise required by this part to be disclosed to the public, where the Board properly determines that such portion or portions of its meeting or the disclosure of such information is likely to:

- (a) Disclose matters that are:
 - (1) Specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign policy and
 - (2) In fact properly classified pursuant to such Executive order;
- (b) Relate solely to the internal personnel rules and practices of the Corporation;
- (c) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute:
 - (1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or
 - (2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld, including section 1314 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2297b–13, with reference to trade secrets and commercial and financial information, and section 148 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2168, with reference to particular information regarding the facilities leased by the Corporation from the U.S. Department of Energy;
- (d) Disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (e) Involve accusing any person of a crime, or formally censuring any person;
- (f) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (g) Disclose investigatory records compiled for law enforcement purposes,

or information which if written would be contained in such records, but only to the extent that the production of such records or information would:

- (1) Interfere with enforcement proceedings,
- (2) Deprive a person of a right to a fair trial or an impartial adjudication,
- (3) Constitute an unwarranted invasion of personal privacy,
- (4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source,
- (5) Disclose investigative techniques and procedures, or
- (6) Endanger the life or physical safety of law enforcement personnel;
- (h) Disclose information contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions;
- (i) Disclose information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed action of an agency, except that this provision shall not apply in any instance where such an agency has already disclosed to the public the content or nature of its proposed action, or where such an agency is required by law to make such disclosure on its own initiative prior to taking final action on such proposal; or
- (j) Specifically concern the Corporation's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Corporation of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing.

§ 1101.7 Transcripts of closed meetings.

- (a) For every meeting closed pursuant to § 1101.6, the presiding officer of the meeting shall prepare a statement setting forth the time and place of the

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meeting, and the persons present, and such statement shall be retained by the Corporation.

(b) The Corporation shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting, or portion of a meeting, closed to the public, except that in the case of a meeting, or portion of a meeting, closed to the public pursuant to paragraph (h) or (j) of § 1101.6, the Corporation shall maintain either such a transcript or recording, or a set of minutes. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any rollcall vote (reflecting the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

(c) The Corporation shall maintain a complete verbatim copy of the transcript, a complete copy of the minutes, or a complete electronic recording of each meeting, or portion of a meeting, closed to the public, for a period of at least two (2) years after such meeting, or until one year after the conclusion of any Corporation proceeding with respect to which the meeting or portion was held, whichever occurs later.

(d) Within a reasonable time after the adjournment of a meeting closed to the public, the Corporation shall make available to the public, at the Corporation's headquarters, the transcript, electronic recording, or minutes of the discussion of any item on the agenda, or of any item of the testimony of any witness received at the meeting, except for such item or items of such discussion or testimony as the Corporation determines to contain information which may be withheld under § 1101.6. Copies of such transcript, electronic recording or minutes shall be furnished to any persons at the actual cost of duplication or transcription.

§ 1101.8 Report to Congress.

The Corporation shall report to the Congress annually regarding its compliance with the requirements of the

Government in the Sunshine Act, 5 U.S.C. 552b.

PART 1102—PROCEDURES FOR DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

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AUTHORITY: 5 U.S.C. 552.

SOURCE: 59 FR 27437, May 27, 1994, unless otherwise noted.

§ 1102.1 Purpose.

This part prescribes the procedures by which records of the United States Enrichment Corporation may be made available pursuant to section 1314 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2297b-13, and the Freedom of Information Act, 5 U.S.C. 552.

§ 1102.2 Definitions.

As used in this part—

Commercial use request means request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a request for records properly belongs in this category, the Corporation will look to the use to which a requester will put the documents requested. When the Corporation has reasonable cause to doubt the use to which a requester will put the records sought, or where the use is not clear from the request itself, it will seek additional clarification before assigning the request to a specific category. If still in doubt, the Corporation will make the determination based on the factual circumstances surrounding